

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

CARMEN GUTIÉRREZ LÓPEZ, her husband DR. VIRIATO DIEZ ROSALES, their conjugal partnership and their daughter VIRIANA DIEZ LÓPEZ,  Plaintiffs,  v.  KMART HOLDING CORPORATION; X, Y AND Z INSURANCE COMPANIES,  Defendants.	CASE NO.05-02337         PLAINTIFFS DEMAND TRIAL BY JURY
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NOTICE OF VOLUNTARY DISMISSAL PURSUANT TO F.R.Civ.P. 41  
(a) (1) (i)

TO THE HONORABLE COURT:

COME NOW the plaintiffs Carmen Gutiérrez López (hereinafter referred to as "**plaintiff**" or "**Gutiérrez**"), her husband Dr. Viriato Diez Rosales (hereinafter referred to as "**Diez**"), their conjugal partnership, and their daughter Viriana Diez Gutierrez (hereinafter referred to as "**Viriana**"), through their undersigned attorneys, and to this Honorable Court respectfully state, allege and pray as follows:

1. The defendants have not filed an answer nor has a motion for summary judgment been filed.
2. Plaintiff hereby notifies its voluntary dismissal of

the captioned case pursuant to **F.R.Civ.P. 41 (a) (1) (i)**.

**RESPECTFULLY SUBMITTED.**

I **HEREBY CERTIFY** that on May 26, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification if such filing to the following: NOBODY

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